IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16360 of 2004

Between:

P.Jagathaiah S/o. Late P.Ramaiah
R/o.10-108/1/1, Sharadamba Nilayam P&T Colony,

Dilsukhangar, Hyderabad.

..... PETITIONER

AND

1 The Vice Chairman and Managing Director, Girijan Co-op. . . . . Corporation Ltd., Waltair,
Visakhapatnam.
2 The General Manager (Finance) Girijan Co-op. Corporation Ltd.,
Waltair, Visakhapatnam.
3 The Senior Manager Girijan Co-op Corporation Ltd.,
Mannanoor, Amrabad Mandal,
Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in withholding the amounts payable to the petitioner from his retiral benefits under MFP Deficits of Rs.26,263/- and Rs.4,200/- under Proceedings No.Nil/2001/Accounts Dt.16-6-2002 inspite of dropping recovery of the said amounts as illegal, arbitrary and unconstitutional and consequently direct the respondents to forthwith release the amounts of Rs.26,263/- and Rs.4,200/- to the petitioner.

Counsel for the Petitioner:MR.VENKAT REDDY THIPPARTHI

Counsel for the Respondents.: MR.N.SRIDHAR REDDY(not present)

The Court made the following :

ORDER:

The petitioner worked as a Senior Assistant in the respondents Corporation and retired from service under Voluntary Retirement Scheme (for short 'VRS') with effect from 16-6-2002.

The grievance of the petitioner is that the Deputy General Manager (Finance) of the Corporation recovered Rs.26,263/- from the V.R.S. benefits payable to the petitioner, despite the fact that the earlier proceedings regarding the recovery of the amount were dropped by the 1st respondent through the proceedings dated 25-3-1998. The petitioner, being aggrieved by the letter dated 16-6-2002 preferred an appeal before the 1st respondent on 15-3-2004, requesting to cancel the recovery of the amount, arrange payment of the same and to pay other retiral benefits.

The grievance of the petitioner is that the 1st respondent did not pass any orders on his representation dated 15-3-2004. Therefore, he approached this Court, through this Writ Petition seeking to hold that, withholding of all the amounts payable to the petitioner from the V.R.S. benefits is illegal, arbitrary and unconstitutional and to direct them to release the amount of Rs. 26,263/- and Rs.4,200/- to the petitioner.

In the light of the submissions made by the learned counsel for the petitioner, the 1st respondent is directed to pass appropriate orders on the representation of the petitioner dated 15-3-2004 by taking into consideration the proceedings of the 1st respondent, dated 25-3-1998 and other proceedings if any relating to the petitioner within two months from the date of receipt of copy of this order and pass appropriate orders according to Rules.

The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.Yethirajulu,J.

14th September, 2004.

Note:

Copy in three days.

B/o

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.2CD copies

THE HONOURABLE Dr. JUSTICE G.YETHIRAJULU

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W.P.No. 16360 OF 2004

14th September, 2004

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